SLS 13RS-290 ORIGINAL

Regular Session, 2013

SENATE BILL NO. 98

BY SENATOR NEVERS

1

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES. Provides for issuance of motor vehicle certificates of title by public license tag agents. (1/1/14)

AN ACT

| 2 | To amend and reenact R.S. 47:532.1(A)(2)(a) and to enact R.S. 47:532.2, relative to public |
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| 3 | license tag agents; to require application to and issuance of motor vehicle certificates |
| 4 | of title by a qualified public license tag agent except by mail; to provide |
| 5 | qualifications for licensing such public license tag agents; and to provide for related |
| 6 | matters. |
| 7 | Be it enacted by the Legislature of Louisiana: |
| 8 | Section 1. R.S. 47:532.1(A)(2)(a) is hereby amended and reenacted and R.S. |
| 9 | 47:532.2 is hereby enacted to read as follows: |
| 10 | §532.1. Public license tag agents; auto title companies; rules and regulations; surety |
| 11 | bonds; fees |
| 12 | A.(1) * * * |
| 13 | (2)(a) The commissioner shall make and publish rules and regulations for the |
| 14 | issuance of motor vehicle certificates of title, issuance of the registration licenses, |
| 15 | for the collection of the registration license taxes, and for the implementation and |
| 16 | governing of a system of public license tag agents. |
| 17 | * * * |

| 1 | §532.2. Public license tag agents; issuance of motor vehicle certificates of title; |
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| 2 | licensing |
| 3 | A. Notwithstanding any other law to the contrary, beginning January 1, |
| 4 | 2014, any application for a motor vehicle certificate of title made in person over- |
| 5 | the-counter shall only be made to and issued by a public license tag agent |
| 6 | licensed by and contracted with the office of motor vehicles. This Section shall |
| 7 | not apply when the application is made by mail to the Department of Public |
| 8 | Safety and Corrections, office of motor vehicles. |
| 9 | B. In addition to complying with the provisions of R.S. 47:532.1 and |
| 10 | Chapter 4 of Title 32 of the Louisiana Revised Statutes of 1950, an auto title |
| 11 | company shall satisfy the following qualifications in order to be licensed as a |
| 12 | public license tag agent for the purposes of this Section: |
| 13 | (1) It shall be qualified to do and doing business in Louisiana for not less |
| 14 | than twelve months prior to application for licensing under this Section. |
| 15 | (2) It shall be in good standing with the office of motor vehicles. |
| 16 | (3) It shall not have had any contract with the office of motor vehicles |
| 17 | suspended, revoked, cancelled, or restricted for any cause listed in R.S. 32:737. |
| 18 | (4) It shall comply with standard policies of the office of motor vehicles |
| 19 | applicable to funds management, payment, submission, and transfer. |
| 20 | (5) It shall satisfactorily pass a background check. |
| 21 | (6) It shall have satisfactory experience with all audits required by the |
| 22 | office of motor vehicles. |
| 23 | (7) It shall comply with any additional requirements as promulgated by |
| 24 | the commissioner of the office of motor vehicles pursuant to the Administrative |
| 25 | Procedure Act. |
| 26 | Section 2. This Act shall become effective on January 1, 2014. |

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

<u>Present law</u> requires the commissioner of office of motor vehicles (OMV) to promulgate rules and regulations for issuance of registration licenses, collection of registration license taxes, and to implement and govern a system of public license tag agents.

<u>Proposed law</u> adds a requirement to promulgate rules and regulations for issuance of motor vehicle certificates of title.

<u>Proposed law</u> requires that, beginning on January 1, 2014, any application for a motor vehicle certificate of title made in person over-the-counter only be made to and issued by a public license tag agent licensed by and contracted with OMV.

Proposed law does not apply to applications made by mail to OMV.

<u>Proposed law</u> requires that an auto title company satisfy the following qualifications to be licensed as a public license tag agent in addition to those set forth in R.S. 47:532.1 and Chapter 4 of Title 32 of the Louisiana Revised Statutes of 1950 for the purposes of this Section:

- (1) Be qualified to do and doing business in Louisiana for not less than twelve months prior to application for licensing under <u>proposed law</u>.
- (2) Be in good standing with OMV.
- (3) Have had no contract with the OMV suspended, revoked, cancelled, or restricted for any cause listed in R.S. 32:737.
- (4) Be in compliance with standard policies of OMV applicable to funds management, payment, submission, and transfer.
- (5) Satisfactorily pass a background check.
- (6) Have satisfactory experience with all audits required by OMV.
- (7) Be in compliance with any additional requirements promulgated by the commissioner of OMV pursuant to the Administrative Procedure Act.

Effective January 1, 2014.

(Amends R.S. 47:532.1(A)(2)(a); adds R.S. 47:532.2)